

## REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 26, 2008. At the time of the Office Action, Claims 10-18 were pending in this Application. Claims 10-18 were rejected. Claims 1-9 were previously canceled. Claims 10-18 have been amended to further define various features of Applicant's invention. Applicant respectfully requests reconsideration and favorable action in this case.

### Specification Objections

The Examiner objected to the disclosure because of the term "voice recognition", which is used throughout the specification. Applicant submits herewith a Substitute Specification, marked and clean versions, for the Examiner's review and consideration.

### Claim Objections

The Examiner objected to Claims 10-18 because of the following informalities: the claims use the term "voice recognition" for what is more properly termed "speech recognition". Claim 10 has been objected to for not clearly reciting a method or a system. In the enclosed amendments claim 10 now recites that the speaker-dependent speech recognition method recognizing speech with a speech recognition system. The Examiner has objected to claim 14, because the Examiner finds no step of voice recognition recited in claim 10. The present amended claim 10 recites that the speech recognition system is trained by voice utterances of a user. Since a speech recognition system that is trained by voice utterances recognizes speech (voice utterance), claim 10 clearly recites a step of (voice) speech recognition. Applicant has amended Claims 10-18 to overcome the objection and request reconsideration of these claims.

### Rejections under 35 U.S.C. §103

Claims 10-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,832,429 issued to Michele B. Gammel et al. ("Gammel"), in view of U.S. Patent 5,852,801 issued to Hsiao-Wuen Hon et al. ("Hon"). Applicant respectfully traverses and

submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on *ex post* reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

While *Hon* allows unrecognized words to be entered into a lexicon 177, *Hon* does not disclose that the user is provided with an opportunity to immediately assign a voice utterance to a new **command**. Column 9, lines 36 to 39 in *Hon* discloses that if the unrecognized word is not in the lexicon 177, then the system described by *Hon* stores the new word, along with predetermined attributes that the user provides, and assigns the word an initial unigram. The Examiner has incorrectly interpreted the meaning of “along with predetermined attributes that the user provides” to refer to commands, because column 6, lines 32 to 36 explains that the output conclusion 26 in FIG. 1C may be an execution of a command.

*Hon* discloses a method to reduce recognition errors; in this respect, please see the summary of the invention in *Hon*, for example column 2, line 18. The flow chart illustrated by FIG. 1C shows a general method of speech processing used by a computer. In this

respect, please see column 5, line 37. The output of this general method of speech processing may be the execution of a command. In this respect, please see column 6, lines 32 to 36. Thus, *Hon* merely discloses that a word given to a speech recognizer may result in an execution of a command.

However, *Hon* is silent if a command can be assigned to a non-recognized word. The meaning of “along with predetermined attributes that the user provides” in *Hon* refers to the data stored in the lexicon 177. *Hon* discloses with reference to TABLE 1 what is in the lexicon 177, and commands are not mentioned as being part of the lexicon 177. This is obviously so because, in the method to reduce recognition errors disclosed by *Hon*, the lexicon 177 is used for recognizing words. It is first at a later step, after a word has been recognized, that the outcome can be a command.

That the output conclusion 26 in FIG. 1C may be an execution of a command as disclosed in column 6, lines 32 to 36, refers to the outcome of the computer system and not to what is stored in the lexicon 177. The predetermined attributes that the user provides disclosed in column 9, lines 36 to 39, refers to the data stored in the lexicon 177 and not to the outcome of the computer system. Thus, it is not correct to interpret the meaning of “along with predetermined attributes that the user provides” to refer to commands.

Since both *Gammel* and *Hon* fail to teach that the user is provided with an opportunity to immediately assign a voice utterance to a new **command**, it is respectfully requested that the rejection under 35 U.S.C. §103(a) is withdrawn. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

**Association of Customer Number and Change of Correspondence Address**

Applicant respectfully requests that all papers pertaining to the above-captioned patent application be associated with Customer No. **31625**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **31625**. All telephone calls should be directed to Andreas Grubert at 512.322.2545. A Revocation and Power of Attorney is filed

### CONCLUSION

Applicant has now made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicant respectfully requests reconsideration of Claims 10-18 as amended.

Applicant believes there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,  
BAKER BOTTs L.L.P.  
Attorney for Applicant



Andreas Grubert  
Reg. No. 59,143

Date: September 25, 2008

SEND CORRESPONDENCE TO:  
Baker Botts L.L.P.  
CUSTOMER ACCOUNT NO. **31625**  
512.322.2545  
512.322.8383 (fax)